

Memorandum

Date : March 18, 2010

To : Regional Parole Administrators
District Administrators
Unit Supervisors
Parole Agents

Policy No.: 10-08
Supersedes Policy No's.: 08-21,08-25, 07-37

Subject: **POLICY AND PROCEDURES ON THE USE OF GLOBAL POSITIONING SYSTEM TECHNOLOGY AS A PAROLE SUPERVISION TOOL**

This policy memorandum establishes the California Department of Corrections and Rehabilitation (CDCR), Division of Adult Parole Operations (DAPO), policy and procedures on the use of Global Positioning System (GPS) technology as a parole supervision tool.

GPS SUPERVISION GOALS

The goals for GPS as a supervision tool are as follows:

- Use GPS technology to gather information that can enhance supervision and be used as one part of an overall comprehensive strategy of parole supervision.
- To provide Parole Agents (PA) and local law enforcement with the ability to monitor the location and movement of targeted parolees.
- To aid in the investigation of parole violations and criminal investigations.
- To strengthen partnerships with local law enforcement agencies.

STATUTORY AUTHORITY

- California Penal Code (PC) Sections 3010 through 3010.9 authorize CDCR to utilize continuous electronic monitoring to monitor the whereabouts of persons on parole. Furthermore, this statute states that CDCR shall have the sole discretion to decide which parolees shall be supervised using electronic monitoring.
- Pursuant to the provisions outlined in PC Section 3004(b) (applies to sex offenders released to parole on or after November 8, 2006) *all* parolees who are required to register pursuant to PC Section 290 shall be supervised utilizing GPS technology.

GPS SPECIALIZED CASELOADS

- A sex offender classified as High Risk Sex Offender (HRSO), who is currently being monitored utilizing GPS technology, shall be designated as an "Active" GPS monitored case.
- A sex offender classified as Non HRSO, who is currently being monitored utilizing GPS technology, shall be designated as a "Passive" GPS monitored case, which includes GPS Track Reviews and Immediate Alert notifications.

- All Gang Offenders, who are currently being monitored utilizing GPS technology, shall be designated as an “Active” GPS monitored case.
- Gang and sex offender cases shall not be consolidated into a single specialized caseload unless the offender is classified as both a sex offender and gang offender who meets the gang eligibility assessment criteria.
- All parolees who are required to register pursuant to PC Section 290 who also meet the gang eligibility assessment criteria shall be supervised on a GPS sex offender caseload.
- At no time will a GPS case be placed on a nonspecialized caseload for supervision.
- At no time shall a GPS specialized case-carrying PA supervise a non-GPS case.
- If the use of Active GPS is pre-approved by the Director or designee to use as a tool to enhance the supervision of special circumstance cases (i.e. Administrative Placement, High Notoriety, Public Interest cases, etc.), that case may be supervised on either a gang or sex offender caseload.

Sex Offenders

- The GPS Sex Offender Caseload Matrix (Attachment A) shall be adhered to when determining the appropriate mix of Active/Passive GPS cases. The GPS caseload shall consist of 20 Active cases, 40 Passive cases, or an equitable combination of both, as outlined in the GPS Caseload Matrix. All parolees required to register pursuant to PC Section 290 shall be supervised on a GPS sex offender caseload. The only exception to this are sex offenders who qualify for an exclusion to GPS monitoring as outlined on Page 11 of this policy (Exclusion or Modification Criteria from Traditional GPS Monitoring).
- Sex offender cases that are approved for an exclusion from GPS supervision shall remain classified as an AS or PS case, and remain on a GPS sex offender caseload. These cases shall have their supervision requirements modified to exclude the required GPS track review. The collateral contact specifications for GPS exempt cases shall be modified to include a minimum of one collateral contact every week to enhance the monitoring of the GPS exclusion status.
- At no time shall a sex offender GPS specialized PA supervise a non sex offender or a case designated for a nonspecialized caseload.

Gang Offenders

- Gang parolees shall meet at least one of the mandatory criteria listed in the Gang Eligibility Assessment Criteria, CDCR Form 2203 (Attachment B), prior to placement on a GPS gang specialized caseload. If the parolee meets the noted criteria, the PA shall forward the completed attachment to the Unit Supervisor (US) for approval.

- At no time shall a GPS gang specialized case-carrying PA supervise a parolee who is required to register pursuant to PC Section 290.
- The supervising PAs and USs shall continue to incorporate field experience, discretion, information from other law enforcement agencies, and other relevant case factors during the evaluation process.

MANAGEMENT OF SPECIALIZED CASELOADS

All GPS caseloads within a multi-unit Parole Complex shall be assigned to one specialized GPS Parole Unit. If warranted, excess caseloads within the GPS Specialized Parole Unit shall be assigned to a second Parole Unit. However, GPS cases within the second Parole Unit shall only be assigned to an appropriate specialized GPS caseload for supervision. The only exception to establishing a GPS Specialized Parole Unit, is when there is an insufficient number of gang or sex offender caseloads to warrant such a unit, i.e., rural locations.

GPS FIELD CONTACT SPECIFICATIONS

GPS contact supervision specifications, regardless of the parolee's offending history, are specified in Attachment C, and shall apply to all offenders on a GPS caseload for the duration of their parole period, or while supervised with GPS monitoring.

CALPAROLE CODES

- **Sex Offenders** – A sex offender classified as High Risk, who is currently being monitored utilizing GPS technology, shall be designated as “AS” in CalParole. A sex offender classified as Non-High Risk, who is currently being monitored utilizing GPS technology, shall be designated as “PS” in CalParole.
- **Gang Offenders** – A gang offender who is currently being monitored utilizing GPS technology shall be designated as “GT” in CalParole.

Upon arrest of a GPS case and following the Unit Supervisor's (US) referral to the Board of Parole Hearings (BPH) for revocation proceedings, if a case remains in custody, such cases shall be designated as “AX” or “PX” for sex offenders or “GX” for gang offenders in CalParole. The case shall remain with the GPS Agent of Record (AOR) pending adjudication by the BPH.

In the event an optional waiver is signed and/or local charges are pending, the case may be transferred to a nonspecialized caseload. Upon adjudication of local charges, sex offender cases will be transferred back to a GPS specialized caseload. Gang offender cases may be transferred back to a GPS specialized caseload or may remain on a nonspecialized caseload.

The “AX,” “PX,” or “GX” cases assigned to a GPS specialized caseload will not count towards currently monitored GPS cases.

STAFF LINES OF RESPONSIBILITY

Agent of Record

PAs are encouraged, with supervisory approval and when feasible, to utilize a team approach when conducting normal field work, investigations, and when collaborating with local law enforcement.

During the preparole process or Initial Interview, the AOR shall serve the parolee with the following special condition of parole:

“You are ordered to participate in Global Positioning System (GPS) as directed by a parole agent. You are ordered to comply with all zone and curfew restrictions, equipment charging requirement, and equipment care instructions associated with GPS participation in accordance with the instructions of a parole agent. You may be charged criminally with theft or vandalism and fined for the cost of the equipment’s replacement in the event it is not returned, lost, stolen and/or damaged.”

The justification and/or nexus for GPS participation shall be:

“Pursuant to PC Sections 3010 and/or 3004(b) and California Code of Regulations, Title 15, Sections 3540 and 3560.”

Enrollment

The AOR shall perform all necessary GPS enrollment and supervision tasks associated with his or her caseload, to include:

- Preparing the GPS Device for Use: Remove the device from the inventory; charge, update (if necessary), and test the device; verify GPS acquisition; and prepare the device for installation.
- Enrolling the Parolee in the Vendor’s GPS Database System: The AOR will be required to use a computer with Internet access to populate and update the parolee’s profile in the GPS database.
- Updating the GPS Parolee’s Profile: When the parolee profile information is updated in the vendor’s database, the CalParole information will also be updated.

- Installing the GPS Device on the Parolee: Verify the fit of the device on the parolee's ankle, attach the device, and activate for GPS monitoring. The device shall be placed on the parolee during the first face-to-face contact.

The AOR shall:

- Upon release or re-release to parole, instruct the parolee on the components of the equipment and the procedures to be followed by the parolee to charge the equipment, and the specific behaviors that constitute noncompliance. The instructions shall be incorporated into the conditions of parole, signed by the parolee, placed into the field file, and a copy provided to the parolee. The Disability and Effective Communication System shall be accessed to determine if reasonable accommodations are necessary in order to enable effective communication.
- A minimum of once per month, physically inspect the device and strap for evidence of tamperers and document on the Record of Supervision (ROS), CDCR Form 1650D.
- Recognize behaviors that constitute noncompliance with proper maintenance of GPS equipment, including GPS charging requirements, and take appropriate corrective action.

GPS Track Reviews

Active (AS and GT) GPS Track Review shall consist of the following:

- Complete a GPS Track Review every working day on daily tracks which commence from the last GPS point viewed to the most current GPS point in time. Daily track review shall include each day the parolee is in the community.
- If exigent circumstances prevent the GPS Track Review from being completed on a particular working day, the AOR shall obtain approval from the US to complete the GPS Track Review the next working day.

Passive (PS) GPS Track Review shall consist of the following:

For each PS case, complete a minimum of two Track Reviews each calendar month. Each Track Review will consist of two consecutive days (48-hour period).

AOR shall:

- Review and analyze GPS tracks by playing track GPS points one by one, pausing, zooming in and out, and utilizing available mapping tools to identify patterns of travel or areas of loitering.

- Investigate zone violations, instances where the device is unable to acquire a GPS or cellular signal, and instances of suspected shielding.
- Upon completion of the GPS Track Review, document on the ROS that the review was completed, to include any significant findings that may require further investigation. This includes, but is not limited to, alerts, violations, and locations frequented by the parolee.
- Log all significant GPS events, i.e., those that require further investigation or action, including, but not limited to, immediate alerts/notifications on the ROS.
- Utilize GPS technology, when applicable, to investigate any possible parole violations and document such actions via the ROS, Parole Violation Decision Making Instrument, (PVDMI) or a Violation Report.
- Resolve all GPS events/violations/alerts by noting actions taken for resolution in the vendor database system and ROS.

Alerts and Daily E-mail Reports

- **Immediate Alerts (Text message/Telephone call):** The AOR will receive notification for immediate alerts, including, but not limited to, strap/device tampers, exclusion zone alerts, specific case-by-case inclusion zone alerts, no cellular coverage, and low battery alerts.
- **Daily E-mail Reports:** Each morning the AOR will receive, via e-mail, the previous day(s) activities and notifications on a cumulative daily summary report. This report shall be reviewed to assist with the daily GPS Track Review.

Zones

The application of zones enables the PA to be alerted to an offender's movement in or out of a specific location. Inclusion zones can be used to determine if a parolee remains within or leaves a particular location during a specific timeframe. Exclusion zones are locations which a parolee is restricted from entering or can be used to determine if a parolee enters a location during a specified period of time.

Zone(s) may include, but are not limited to, the parolee's residence of record, employment, treatment locations, victim's residence, work location, areas of known narcotic activity, prior arrest locations, known gang activity areas or areas of restricted travel. All inclusion and exclusion zones with immediate notification alerts shall require prior US approval.

Zone(s) may be utilized for informational purposes or as a tool to monitor compliance with conditions of parole. Informational zones and alerts may or may not result in a parole

violation, depending on the circumstances. Zones shall be placed on all Active and Passive GPS caseloads.

When placing inclusion and exclusion zones, the AOR shall:

- Place a minimum of three zones on all GPS parolees.
 - One zone shall be an inclusion zone around the parolee's residence of record.
 - One zone shall be either a 25 or 50 mile inclusion (travel restriction) zone in accordance with his or her specific conditions of parole.
 - One zone shall be an exclusion zone to provide notification if the parolee were to leave the State of California.
- When transient, a ten-mile zone shall be placed around the city/county center in which the parolee registers as a sex offender and/or may be placed around the locations where the parolee disclosed they intend to sleep/stay during the day and/or night.
- Any parolee with a special condition of parole, pursuant to PC Section 3003(h), who cannot be within 35 miles of his or her victim, shall have an appropriate exclusion zone established.
- Effectively communicate prohibited area(s) and/or curfew zone restrictions in writing.
- Place an exclusion zone around known victim's residence/work locations.
- Create and/or update inclusion and/or exclusion zones, as appropriate.

Un-Enrollment

Prior to the removal of a GPS device from an offender, the AOR shall conduct a case review with the US. The arrest or discharge of an offender are the only exceptions. The US's decision shall be documented on the ROS.

The AOR shall:

- Perform all necessary un-enrollment tasks associated with the removal of a GPS device.
 - Un-enroll the parolee in the GPS database. Select the parolee, un-enroll in the GPS database, and list the reason for the removal of the GPS device.
 - Retain device and prepare for future use or return to vendor for repair/replacement.
- Upon notification of the participant's arrest, abscond, or completion of program, un-enroll the parolee from the vendor's database within one working day.
- When the parolee is arrested and placed in local custody, retrieve the device from the jail no later than the third working day and perform all necessary GPS un-enrollment tasks.
- In the event the parolee removes the GPS device (absconds, cuts strap from his or her ankle) and its location is known, retrieve the device no later than the third working day

upon notification. All unsuccessful efforts to retrieve the device shall be documented on the ROS.

- Remove the GPS equipment and un-enroll the parolee from the GPS Database on the date of the Controlling Discharge Date (CDD). If the CDD is on a non business day, the PA shall un-enroll the parolee from the GPS Database on the date of the CDD and make arrangements to obtain the equipment the next business day.

Parole Agent II

The PA II's duties will follow established operational policies and procedures. The PA II will provide support to the US with all administrative duties and GPS-related functions within the Parole Unit.

Unit Supervisor

The US shall:

- Utilize the GPS vendor's caseload report to identify the number of currently monitored GPS cases on a particular caseload(s).
- The CalParole Unit Workload Summary Report will be the primary method/tool for determining workload.
- The US shall balance and maintain an equitable combination of both AS and PS cases as outlined in the GPS Agent Matrix.
- Ensure all GPS specialized caseloads include only AS, AX, PS, PX, GT, and GX cases.
- Effectively utilize all available supervisor reports and case management tools in the vendor database to perform audits and to ensure compliance with GPS Track Review requirements and PA GPS duties.
- Ensure special conditions of parole relating to GPS are appropriately imposed.
- Maintain accurate inventory of all GPS equipment assigned to his or her respective Parole Unit.
- Ensure the GPS call trees remain current and up-to-date, with all pertinent information, by providing any changes to the EMU Coordinator.
- Ensure the AOR has the means by which to contact the US or designee by telephone 24/7 in accordance with established departmental reporting and notification procedures.
- Ensure a GPS-trained agent is available to complete daily GPS Track Reviews, including events, violations, and alerts, in the event the AOR is unavailable; i.e., sick, vacation.
- During case reviews, ensure GPS events, violations and alerts are being resolved and noted in the GPS database and significant GPS events documented in the ROS, i.e., those

that are deemed to require further investigation or action, including, but not limited to, immediate alerts/notifications.

- Transfer the case in accordance with departmental policies related to parolee-at-large referrals for apprehension if a parolee absconds parole supervision.
- Review the daily summary report to ensure alerts and violations are being addressed by the AOR.

District Administrator

Each District Administrator (DA) shall ensure that GPS caseloads within a Parole District/Complex/Unit are created and managed in accordance with the mandates outlined on Page 2, Management of Specialized Caseloads. The DA shall liaison with the EMU Program Manager to ensure his or her respective District is maintaining compliance with this policy. Each DA shall utilize all available vendor supervisor reports and case management tools to perform audits and compliance checks within their respective district.

PAROLEE-AT-LARGE CASES

- A GPS case that becomes unavailable for supervision shall have a warrant request submitted in accordance with existing Emergency Action procedures, i.e., a Miscellaneous Decision, BPH Form 1135. Upon receipt of the BPH action to suspend parole, the status in CalParole shall be changed from "Active" to "Suspended."
- Upon the arrest of a Parolee-at-Large case, it shall be returned to "Active" status in CalParole. Following the US's referral to the BPH for revocation proceedings, the case shall be designated as "AX," "PX," or "GX" in CalParole. The "AX" and "PX" cases will be transferred back to a GPS specialized caseload. The "GX" cases may be transferred back to a GPS specialized caseload or may remain on a nonspecialized caseload.
- In the event an optional waiver is signed and/or local charges are pending, the case may be transferred to a nonspecialized caseload as an "AX," "PX," or "GX" case.
- If local charges were pending, upon adjudication, sex offender cases will be transferred back to a GPS specialized caseload. Gang offender cases may be transferred back to a GPS specialized caseload or may remain on a nonspecialized caseload.

INTERSTATE CASES

Any parolee who is being considered for transfer to California, who is otherwise eligible for GPS monitoring under this policy, shall be advised that failure to comply with the GPS program requirements will result in the denial of his or her transfer request. Any eligible parolee who elects to maintain his or her request to transfer to California shall be required to

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be supervised with GPS. The parolee retains the discretion to remain in California and participate in GPS monitoring, or to return to his or her sending state.

Any out-of-state gang offender, who meets the criteria listed in the CDCR Form 2203 (Attachment B), shall be considered for placement on a GPS caseload.

Willful noncompliance with GPS monitoring shall result in the parolee being placed in local custody, and a Good Cause Hearing will be scheduled to determine whether the parolee should be recommended for return to his or her sending state.

TRANSITIONING OF PAROLEES FROM DEPARTMENTAL GPS MONITORING TO LOCAL GPS SUPERVISION

In circumstances when the sex offender was released to parole on or after November 8, 2006, the US or designee shall complete the appropriate Notice of Pending Discharge form letter (Attachment D) and mail it to the law enforcement agency where the parolee last registered per PC Section 290, no later than 60 days prior to discharge, but no sooner than 90 days. A copy of the completed letter shall be retained in the field file.

Attachment D shall be used to notify law enforcement agencies of a parolee's pending discharge when he or she is in the community, or is expected to be in the community at the time of discharge. This attachment includes a section for the receiving agency to complete and return the attachment if they wish to schedule an appointment with the AOR in order to place their GPS equipment on the parolee prior to discharge. Staff may forward the letter to law enforcement via e-mail, fax, or regular mail.

Attachment E (Notice of Pending Discharge Letter) shall be used for parolees who discharge directly from custody. The attachment will provide the law enforcement agency with the parolee's current custody location. The AOR shall not be required to schedule an appointment for those parolees who discharge from parole while in custody. Staff may forward the letter to law enforcement via e-mail, fax, or regular mail.

Law enforcement agencies that elect to assume GPS monitoring of affected sex offenders shall be afforded an opportunity to make this declaration at the time they are notified of the parolee's pending discharge. This declaration shall be made via the Notice of Pending Discharge form letter. If the law enforcement agency advises they do not wish to schedule an appointment to assume GPS monitoring, that fact shall be noted in the ROS by the AOR, and no further action will be required.

If the law enforcement agency does not respond via the Notice of Pending Discharge letter within ten working days of the CDD, the AOR shall contact the agency telephonically and inquire as to whether they will be assuming GPS monitoring of the parolee upon discharge. If they decline to assume GPS monitoring at the time of discharge, the AOR shall note on the ROS the date, time, person contacted, and the fact that the agency declined to assume GPS monitoring. No further action will be required. If another law enforcement agency is not assuming GPS supervision, the AOR will remove the GPS equipment and un-enroll the parolee from the GPS Database on the date of the CDD. If the CDD is on a non business day the PA shall un-enroll the parolee from the GPS Database on the date of the CDD and make arrangements to obtain the equipment the next business day.

If the law enforcement agency accepts GPS monitoring responsibilities, the AOR shall schedule an appointment to enable the exchange of GPS equipment. The scheduled appointment must occur within five working days of the CDD. The date, time, and location of the appointment shall be noted in the ROS, and the parolee shall be advised of the appointment. On the scheduled date and time of the appointment, the AOR shall report to the designated location for removal of the CDCR GPS monitoring equipment. The GPS equipment shall be returned to the Parole Unit in accordance with existing procedures.

DISCHARGE

No less than 30 days prior to an offender's maximum discharge date, the AOR shall contact law enforcement/dispatch to determine the extent of and circumstances of service calls to the offender's residence of record. In circumstances where the service call information reveals factors related to the offender's criminality, the AOR shall convey this information to law enforcement personnel. This shall be documented in the ROS, to include whether or not the service calls revealed positive or negative information.

In circumstances where the offender's discharge date is **not** imminent, this information shall be considered during the discharge review process. In addition, the information shall be document in the ROS and used to determine if further inquiry/investigation is needed.

EXCLUSION OR MODIFICATION CRITERIA FROM TRADITIONAL GPS MONITORING FOR SEX OFFENDERS

Traditional GPS monitoring devices are designed to be worn by a person on his or her ankle. In certain circumstances, traditional GPS monitoring may not be an appropriate consideration or option. Modifications to traditional GPS monitoring can be used, but should only be used

when absolutely necessary given that a GPS monitoring device on the parolee's ankle is the most secure alternative. If traditional or modified GPS monitoring is likely to cause serious injury or death to a parolee, an exclusion from GPS monitoring shall be considered.

Exclusion or modification to traditional GPS monitoring shall be approved or disapproved in writing by the DAPO Director or designee via a case conference with the respective Regional Parole Administrator (RPA) and documented on the CDCR Form 2193, Request for Global Positioning System Modification or Exclusion (Attachment F).

Mentally Ill

Parolees who are mentally ill may be considered for exclusion from GPS monitoring if it is determined that participating in traditional or modified GPS monitoring will cause serious injury or death. A modification to traditional GPS monitoring may also be considered. Parolees who have difficulty remembering to charge their GPS device because of a mental illness or disability do not meet the criteria for exclusion from GPS monitoring.

Physical Disability

Parolees with physical disabilities, which would preclude them from wearing a GPS monitoring device in the traditional manner, may be considered for modified GPS supervision. If traditional or modified GPS monitoring is likely to cause serious injury or death, an exclusion from GPS monitoring should be considered.

Such physical disabilities may include, but are not limited to:

- Amputated limb(s) which prohibit the traditional placement of a GPS bracelet on the parolee's ankle.
- Diabetes or other medical condition(s) which causes severe swelling of limbs potentially resulting in physical harm due as a result of the placement of a traditional GPS monitoring device.
- Parolee's current and/or continued placement in a medical facility with diagnostic monitoring equipment which would be adversely affected by GPS monitoring or potential exposure to infection (during surgery).

Approved Modifications to Traditional GPS Monitoring

To comply with GPS monitoring, modifications can be made to the traditional placement of the GPS monitoring device. These modifications include the following:

- Parolee must carry the GPS monitoring device on his or her person at all times (fanny pack, back pack, belt, etc.) and must be kept within reach when showering or sleeping.
- The GPS device can be attached to any device which enables a nonambulatory parolee the ability to move around, i.e., a wheelchair.

If a modification to GPS monitoring is approved, the AOR will serve the parolee with the GPS special conditions of parole mandating GPS participation, with the following directive:

“You are ordered to participate in Global Positioning System (GPS) as directed by a parole agent. You are ordered to comply with all zone and curfew restrictions, equipment charging requirement, and equipment care instructions associated with GPS participation in accordance with the instructions of a parole agent. You may be charged criminally with theft or vandalism and fined for the cost of the equipment’s replacement in the event it is not returned, lost, stolen and/or damaged.”

“You shall carry the GPS device on your person or ambulatory device 24 hours a day, 7 days a week, except when showering or sleeping. When showering or sleeping, you must keep the device within reach. If you fail to follow this condition of parole, you may be returned to custody.”

The added special condition of parole and justification for GPS participation shall be documented on the CDC Form 1515, Notice and Conditions of Parole.

Supporting Documentation for Mental Illness or Disability

For parolees with a mental illnesses or disability, documentation establishing the need for a modification or exclusion from traditional GPS monitoring is required. The AOR shall make a referral to the Parole Outpatient Clinic (POC) Regional Headquarters Supervising Senior Psychologist or if the parolee is housed in a 24-hour care facility, the licensed clinical treatment provider of the facility.

Referral to POC

Referrals, evaluations and recommendations are to be completed on the “Clinical Recommendation to Continue, Modify or Exclude from Traditional GPS Monitoring” form, CDCR Form 128-PMH3 (Attachment G). The referring agent shall complete section 1 of the CDCR Form 128-PMH3 and provide it to the POC Regional Headquarters Supervising Senior Psychologist.

- No more than two business days after receipt of the referral, the POC Supervising Senior Psychologist shall assign a POC Clinical Psychologist or Clinical Social Worker to evaluate the parolee.
- No more than ten business days following assignment, the assigned Clinical Psychologist or Clinical Social Worker shall evaluate the parolee and conference the case with the AOR to determine if there is or is not a need for modification or exclusion to traditional GPS monitoring. The evaluation and recommendation shall be documented on the CDCR Form 128-PMH3.
- No more than one business day after the evaluation, the Clinical Psychologist or Clinical Social Worker shall provide the completed CDCR Form 128-PMH3 to the Supervising Senior Psychologist. To ensure the CDCR Form 128-PMH3 is received timely, it should be faxed when unable to deliver within one business day.
- No more than two business days after receipt of the completed CDCR Form 128-PMH3, the Supervising Senior Psychologist shall conference the case with the US and/or the DA and complete section 4 of the form, and provide to the referring agent.

Parolees in a 24-hour licensed mental health facility will not require a POC clinician's report. In these cases, the parolee's licensed care provider (PhD or MD) at the mental health facility will be asked to prepare the report. The referring agent shall attach the completed report to the CDCR Form 128-PMH3, and provide it to the POC Regional Headquarters Supervising Senior Psychologist.

Supporting Documentation for Physical Disabilities

If it is determined that a physical disability exists which would preclude the parolee from wearing a GPS ankle monitor or participating in traditional GPS monitoring, the parolee must provide a letter from his or her licensed medical physician. Letters from physician assistants or other designee will not be accepted.

The letter shall describe:

- The medical condition of the parolee and if this condition is acute or chronic.
- How the parolee's condition prevents him or her from participating in traditional GPS monitoring.
- How wearing a GPS monitoring device is likely to cause serious injury or death due to his or her current medical condition or location in a medical facility.
- Documentation is not necessary in cases where a parolee is a double leg amputee.

Agent of Record

The AOR shall ensure that a parolee requesting an exclusion or modification to traditional GPS monitoring for a physical disability has submitted a letter from a licensed medical physician. That recommendation must be in writing on the physician's letterhead and must be signed by the physician. The AOR shall obtain a copy of that document from the parolee.

The AOR shall review the letter to determine if the physician signing the parolee's recommendation is currently licensed to practice medicine. This can be done by accessing the Medical Board of California's website at www.medbd.ca.gov and clicking the space for "Check Your Doctor Online."

For an exclusion or modification to traditional GPS monitoring for a mental illness or disability, the AOR shall obtain the CDCR Form 128-PMH3 from the Regional Supervising Senior Psychologist.

The AOR shall review all supporting documents received and evaluate the circumstances surrounding the request for the modification or exclusion. If the documents appear complete, the AOR shall case conference with the US and provide a recommendation. The recommendation shall include any feasible alternatives to excluding or modifying GPS supervision. The recommendation shall be documented on the ROS or an Activity Report. Any changes in circumstances which may void the decision to modify or exclude the parolee from GPS monitoring shall be reported to the US the next working day upon discovery.

Unit Supervisor

Should the US have reason to believe that the physician's recommendation or approval is fraudulent, the US or his or her designee shall contact the physician by facsimile, telephone, or mail to confirm its authenticity. The US or designee shall verify that the recommendation is true and correct, and that it displays the physician's own signature.

If it is determined that a modification or exclusion appears appropriate, the US shall complete the CDCR Form 2193. When making a recommendation, the US shall ensure they clearly articulate all relevant case factors that would support the modification or exclusion. This form and all supporting documentation shall be forwarded to the DA for approval or denial. In some instances, the review process may include a case conference with the DA, treating physician and/or clinician, and EMU Program Manager to discuss alternative options.

If the circumstances that warranted the exclusion change or every 90 days, whichever comes first, the US shall note in the ROS the parolee's current medical/mental condition, and if the

continued modification or exclusion is warranted. Notification shall be made to DAPO headquarters via e-mail, with a courtesy copy to his or her chain of command, of the determination to continue or terminate the modification or exclusion. The e-mail must be addressed to the Sexually Violent Predator/High Risk Sex Offender (SVP/HRSO) Unit at ParoleSVPHRSO@cdcr.ca.gov. Failure to complete the 90-day review notification to the SVP/HRSO Unit will result in the exclusion approval being recalled and a new request will need to be submitted.

Approval from the Director is not required to return a parolee to traditional GPS monitoring if the circumstances warrant such an action.

District Administrator

The DA shall review the request for appropriateness. Approved requests shall be forwarded to the RPA for approval or denial. If the request is denied, the CDCR Form 2193 shall be returned to the sending unit for retention in the field file.

Regional Parole Administrator

The RPA shall review the request for appropriateness. Approved requests shall be scanned and emailed to the Director via the DAPO SVP/HRSO Unit, for review. The e-mail must be addressed to the Sexually Violent Predator/High Risk Sex Offender (SVP/HRSO) Unit at ParoleSVPHRSO@cdcr.ca.gov.

Additionally, the RPA shall track all requests that have been forwarded to the Director. If the Director approves the request, the RPA shall ensure the parolee's status is monitored quarterly by the US and DA for any changes that may impact the continued exclusion or modification from traditional GPS monitoring. The approved modification or exclusion shall be noted on the Week Ahead Report and shall be reviewed every 90 days or as conditions or program changes occur impacting the need for a continued exclusion or modification.

Director

The Director or designee shall review all requests received for modification or exclusion from traditional GPS monitoring.

The Director shall retain discretion to:

- Approve the request as written.
- Approve the request with a modification.
- Deny the request.

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The Director's decision shall be noted on the CDCR Form 2193 and returned to the sending unit via the Regional Headquarters Office. The CDCR Form 2193 shall be retained in the field file. The decision by the Director is final.

If the parolee is approved for an exclusion or modification to traditional GPS supervision, the case shall continue to be supervised on the GPS caseload. Once the parolee's condition changes and the need for an exclusion or modification is no longer deemed necessary, the parolee shall be immediately returned to normal GPS monitoring.

MEDIA CONTACTS

All contacts from the media regarding the use of GPS as a parole supervision tool shall be forwarded to the respective Regional Public Information Officer (PIO). The Regional PIO shall liaison with the DAPO EMU Program Manager and the CDCR Office of Communications regarding requests for specific policy or GPS supervision protocols. At no time will GPS data or information that would jeopardize the safety of staff or a parolee being supervised with GPS technology be released to the media.

OLSONIZATION OF GPS DOCUMENTS AND MAPS

During the course of submitting a violation report, the submission of GPS supporting documents may be necessary. The AOR shall ensure that all confidential information on the documents or maps are in accordance with Policy Memorandums Numbers: 07-44, "Confidential Section Field File," and 07-45, "Revised Division of Adult Parole Operations Olsonization of Documents Policy and Procedure."

SHARING OF GPS DATA

The sharing of GPS printed or recorded data shall be restricted to identified law enforcement personnel for the purpose of investigating an incident or prosecuting a case. At no time shall GPS data or GPS protocols be released to any other entity without prior approval from the DAPO EMU Program Manager. At no time shall a GPS AOR share his or her log-in and password.

SUBPOENA PROCESS

Whenever a Subpoena Duces Tecum (SDT) is received at a parole field unit for production of GPS documents or data, the SDT will be forwarded to the Regional Litigation Coordinator for appropriate disposition. The Regional Litigation Coordinator will request the GPS documents or data from the GPS vendor via the EMU Program Manager.

GPS EQUIPMENT CONTROL

State Issued Equipment

- GPS equipment control is vital to DAPO's GPS Program. GPS staff who are issued a State laptop, cellular telephone/wireless air card, and accessories shall only use these items to conduct State business.
- GPS-issued State equipment shall remain with a GPS-trained PA or US during an AOR's vacation or extended leave.
- At no time shall GPS equipment be left in plain view in a vehicle. If assigned equipment is lost or damaged, the staff shall immediately notify his or her supervisor for immediate replacement and complete a Memorandum (CDCR Form 1617), describing the circumstances.
- The US shall contact the EMU Program Manager or designee for immediate equipment replacement and forward a copy of the Memorandum as soon as practical. Staff may be required to reimburse the State for the cost to replace equipment in which the loss was due to negligence or the employee's culpability, as outlined in the Department Operations Manual, Section 85050.5, Equipment Responsibility Policy.

GPS Vendor Equipment

- For security reasons, all GPS equipment (consumables and GPS units) shall be safely secured. At no time shall a parolee be left in an area with unsecured GPS equipment.
- At no time shall GPS equipment be left in plain view in a vehicle. Defective GPS units shall be immediately returned to the vendor for replacement and/or disposal.
- Used or defective collars, straps, and clips shall be destroyed by the AOR by cutting them into unusable pieces (no longer than 1 inch in length).

Lost, Destroyed, or Damaged GPS Equipment

If a parolee intentionally loses, destroys, or damages a GPS unit, the AOR shall confer with the US to determine if the case should be referred to the County District Attorney's Office for prosecution. Any violation report completed shall reflect this charge accordingly.

ELECTRONIC MONITORING UNIT RESPONSIBILITIES

The EMU shall have overall responsibility for the development and implementation of the DAPO statewide electronic monitoring program, and related policies and procedures. The EMU shall be responsible for direct contact and coordination with the GPS vendor. The Parole Administrator of the EMU shall be considered the DAPO Program Manager.

Electronic Monitoring Unit Coordinator

Under the direction and supervision of an EMU PA III, the EMU Coordinator PA II, will be responsible for the regional standardization of the DAPO GPS Program, to include the following:

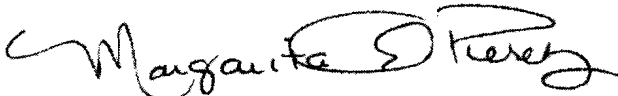
- Serve as a Subject Matter Expert to field staff, Regional staff, and law enforcement.
- Train staff throughout the Region and State on GPS system.
- Serve as a liaison to DAPO headquarters, field agents, and local law enforcement.
- Provide updates to field staff on GPS technology related to this program.

TRAINING

All PA Is, PA IIs, and PA IIIs involved in the GPS Program shall be trained by DAPO's EMU in the use of GPS technology as a parole supervision monitoring tool. PAs must attend GPS training prior to supervising parolees using GPS. The training shall include policies, procedures, and protocols when utilizing GPS as a supervision tool

Regional Parole Administrators
District Administrators
Unit Supervisors
Parole Agents
Page 20

If you have any questions, please contact Denise Milano, Parole Administrator, EMU, DAPO, at (916) 323-5109, or via e-mail at Denise.Milano@cdcr.ca.gov, or the Policy and Procedures Unit, DAPO, via e-mail at ParolePolicyandProcedureUnit@cdcr.ca.gov.

A handwritten signature in black ink, appearing to read "Margarita S. Perez", is written over the printed name "ROBERT AMBROSELLI".

ROBERT AMBROSELLI
Director
Division of Adult Parole Operations

Attachments

cc: Denise Milano

**ATTACHMENT A
GPS Caseload
Matrix**

Active GPS Cases	Passive GPS Cases	Caseload Capacity
20	0	20
19	2	21
18	4	22
17	6	23
16	8	24
15	10	25
14	12	26
13	14	27
12	16	28
11	18	29
10	20	30
9	22	31
8	24	32
7	26	33
6	28	34
5	30	35
4	32	36
3	34	37
2	36	38
1	38	39
0	40	40

Attachment B

Gang Assessment Eligibility Criteria

Pursuant to a file review, Parolee _____, CDC Number _____, meets the below criteria and it would appear that enhanced parole supervision, via Global Positioning Monitoring is deemed necessary.

Mandatory Criteria: (One of the mandatory criteria must exist for placement on GPS monitoring)

- ☐ The Parolee has been identified as a member of a prison disruptive group pursuant to the California Code of Regulations, Title 15, Crime Prevention and Corrections, Division 3, Section 3378.
- ☐ The Parolee has been validated as a prison gang member pursuant to the California Code of Regulations, Title 15, Crime Prevention and Corrections, Division 3, Section 3378.
- ☐ The Parolee has a special condition of parole not to have contact or associate with any person known or reasonably known to be a gang member pursuant to California Code of Regulations, Title 15, Division 2, Section 2513(e).
- ☐ The Parolee was convicted pursuant to PC 182.5 and 186.22, and currently has a special condition of parole not to have contact or associate with any person known or reasonably known to be a gang member.
- ☐ The Parolee is subjected to gang registration pursuant to Penal Code Sections 186.30 - 186.32.
- ☐ The parolee is a party to an active court civil gang injunction.
- ☐ The Parolee has been identified by California Department of Corrections and Rehabilitation staff or local law enforcement as to have previously been or currently involved in gang activity.

Additional Criteria that can be considered:

- ☐ The parole Agent-of-Record has reason to believe that the parolee is not in compliance with current parole conditions and enhanced parole supervision is required in the interest of public safety.
- ☐ The Parolee has been identified by local law enforcement as being a documented suspect in a felony crime involving violence and/or weapons.
- ☐ The parolee has a controlling or non-controlling commitment offense(s) included in Penal Code Section 667.5(c).
- ☐ The Parolee has an overall score of 5 – High risk to commit violent offenses as determined by the California Static Risk Assessment (CSRA) score.

Placement on a GPS monitored “Gang Caseload” is recommended: Yes/No

Parole Agent (Printed Name and Signature)	Badge Number	Date
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Placement on a GPS monitored “Gang Caseload” is approved: Yes/No

Unit Supervisor (Printed Name and Signature)	Badge Number	Date
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ATTACHMENT C

GLOBAL POSITIONING SYSTEM SUPERVISION SPECIFICATIONS FOR SEX OFFENDERS AND GANGS

Classification	1 ST Contact	Initial Interview	Comprehensive Interview	Face-to Face Contacts	GPS Track Review and Immediate Alert Notifications	Collateral Contacts	Tests	Case Reviews
Passive GPS (PS)	First working day or 48 hours, whichever is sooner Shall place on GPS monitoring during the first contact.	No later than the first working day following release.	No later than the 15 th working day following release. If the initial interview is conducted by the AOR, he or she shall have the discretion to complete the comprehensive interview at the same time.	Two (2) face to face contacts per month: One (1) contact shall be at the residence of record (field face to face if transient ¹). One (1) contact shall be at the agent's discretion. First face-to-face residential contact must be within six (6) working days of initial release or revocation released date.	Two (2) track reviews per calendar month. Each of the track reviews will consist of two (2) consecutive days (48-hour periods). Investigate and/or respond to all immediate alert notifications.	One (1) significant or resource collateral contact per month ² . Every six months, the monthly collateral contact shall be a meeting with law enforcement to update parolee information. ³ At 30-days prior to discharge, the monthly collateral contact shall be with law enforcement to update parolee information. ³	If testing applies, one (1) random per month.	First case conference review is 60 calendar days upon release and a Case conference review every six (6) months thereafter.
Active GPS (AS and GT)	First working day or 48 hours, whichever is sooner Shall place on GPS monitoring during the first contact.	No later than the first working day following release.	No later than the 15 th working day following release. If the initial interview is conducted by the AOR, he or she shall have the discretion to complete the comprehensive interview at the same time.	Two (2) face to face contacts per month at the residence of record (field face to face if transient ¹). First face-to-face residential contact must be within six (6) working days of initial release or revocation released date.	Daily track review. Investigate and/or respond to all immediate alert notifications.	Conduct two (2) collateral contacts. (One significant collateral and one resource collateral) Every six months, one of the two monthly collateral contacts shall be a meeting with law enforcement to update parolee information. At 30-days prior to discharge, one of the two collateral contacts shall be with law enforcement to update parolee information. ³	If testing applies, one (1) random per month.	First case conference review is 60 calendar days upon release and a Case conference review every six (6) months thereafter.

The Comprehensive Interview is for the Agent of Record (AOR) to establish a positive rapport with the parolee, to inform the parolee of available assistance and services, and to reaffirm the parolee's responsibilities while under parole supervision. This intensive face-to-face interview with the parolee shall only be conducted by the AOR. The CDCR Form 1650-B1, Comprehensive Interview shall be utilized.

¹ A field contact is any face-to-face contact with the parolee away from the vicinity of the residence of record or the parole office. (If the parolee is transient, the required monthly residence contacts shall be modified to a face-to-face contact in the field. This contact is in addition to the required weekly face-to-face office contact with transient sex offenders as outlined in Policy No.: 09-11.)

² A collateral contact is any contact with a person or organization having knowledge of or interest in the offender's supervision status.

³ The Agent of Record shall contact local law enforcement for service call records at the residence of record and for a law enforcement database check.

DIVISION OF ADULT PAROLE OPERATIONS**YOUR PAROLE UNIT****YOUR ADDRESS****YOUR TOWN****ATTACHMENT D**

Dear Sir or Madame:

Please accept this letter as a formal notice of the pending discharge of _____, a California Department of Corrections and Rehabilitation (CDCR) parolee. According to our records, _____ will reach his Controlling Discharge Date (CDD) on _____.

The relevant personal data we have on file for parolee _____ includes the following:

- Full Name: _____
- Date of Birth: _____
- Current Address: _____
- 290 Offense: _____

To assist your agency in assuming Global Positioning System (GPS) monitoring duties, pursuant to Penal Code Section 3004(b), Parole Agent _____ will schedule an appointment with you within five working days of the CDD. Agent _____ will ensure parolee _____ is present at this appointment, during such time any GPS equipment currently utilized by the CDCR can be removed and replaced with your agencies GPS equipment.

If you do not wish to place GPS monitoring equipment on parolee _____ prior to the noted CDD, please note this at the bottom of this letter and return a copy to me, via facsimile, at () _____ - _____. If you have any questions, please feel free to contact me directly at () _____ - _____, extension _____.

Sincerely,

Unit Supervisor

_____ Parole Unit
Division of Adult Parole Operations

I respectfully Accept/Decline to schedule an appointment at this time for the purposes of placing a GPS monitoring device on the above named parolee. I understand that if I decline, your agency may not have the legal jurisdiction to compel the parolee to report for any future appointment.

Print Name

Title

Signature

Date

DIVISION OF ADULT PAROLE OPERATIONS**YOUR PAROLE UNIT**

YOUR ADDRESS

YOUR TOWN

**ATTACHMENT E**

Dear Sir or Madame:

Please accept this letter as a formal notice advising you of the pending discharge of _____, a California Department of Corrections and Rehabilitation (CDCR) parolee. According to our records, _____, will reach his Controlling Discharge Date (CDD) on _____, will be discharged directly from custody, and will not be subject to additional parole supervision.

The relevant personal data we have on file for parolee _____ includes the following:

- Full Name: _____
- CDC Number: _____
- Date of Birth: _____
- Last Known Address: _____
- 290 Offense: _____

To assist your agency in assuming Global Positioning System (GPS) monitoring duties, pursuant to Penal Code Section 3004(b), I am including parolee _____ current custody location, including the facility address, in the event you wish to provide him/her written instructions for reporting to your agency.

If you have any questions, please feel free to contact me directly at () _____ - _____, extension _____.

Sincerely,

Unit Supervisor

_____ Parole Unit
Division of Adult Parole Operations

ATTACHMENT F

Waiver Type	<input type="checkbox"/>	New
	<input type="checkbox"/>	Update

Date: _____

Region: _____

Parole Unit: _____

To: **Director**
Division of Adult Parole Operations

Via: **Regional Parole Administrator**
Division of Adult Parole Operations

CHECK BOX THAT APPLIES:

- ☐ PC 3003.5(b) Residency Restrictions, 2000 feet of any public or private school, (K-12 inclusive) or park where children regularly gather *(Complete Section I and II)*
- ☐ PC 3003(g) Exclusion, One-half mile of any public or private school (K-12, inclusive) *(Complete Section I and II)*
- ☐ GPS Monitoring Modification *(Complete Section I, III, IV, and V)*
- ☐ GPS Monitoring Exclusion *(Complete Section I, IV, and V)* (GPS exclusions apply only if modified GPS would likely cause parolee serious injury or death)

Parolee's Name:	CDC Number	Agent of Record

CLASSIFICATION: ☐ HR ☐ HX ☐ AS ☐ PS ☐ Other _____

Section I

Criminal History / Sex Offender History:

Section II

Proposed Facility Name, Address, and Synopsis/Reason for Residence Exclusion:
(Include distance from nearest Park, School).

Section III

Type of GPS Modification Requested: (Include alternatives to traditional GPS and proposed language for revised special condition of parole).

Parolee's Name:	CDC Number	Agent of Record

Section IV

Synopsis / Reason for GPS Modification or Exclusion:

Section V

Medical or Mental Health Diagnosis and Summary: (For GPS Exclusion – Physician must describe how a modification to traditional GPS is expected to cause serious injury or death).

☐ Supporting Documents Must Be Attached

Unit Supervisor: _____ Date: _____

District Administrator: _____ Date: _____

Regional Parole Administrator
Division of Adult Parole Operations
Approved / Disapproved

Date

Director
Division of Adult Parole Operations
Approved / Disapproved

Date

ATTACHMENT G

INSTRUCTIONS FOR CDCR 128-PMH3 Global Positioning System Monitoring of Mentally Ill Parolee Clinical Recommendation to Continue, Modify or Exclude from Traditional Monitoring

Purpose of Form: This form is to be used when the Parole Agent of Record suspects that Global Positioning System (GPS) monitoring may have an adverse affect on a parolee's mental health, and/or suspects that a parolee's mental disorder prevents the parolee's ability to comply with traditional GPS monitoring.

The referring Parole Agent shall complete identifying information at the top of each page of the form.

1. This section is to be completed by the referring Parole Agent.
2. This section is to be completed by the evaluating Clinical Psychologist or Clinical Social Worker, and is to include the recommendations of either:
 - a. Recommend continuing traditional GPS monitoring by selecting "No Adverse Affect", or
 - b. Recommended modification of traditional GPS monitoring by selecting "Minimal Adverse Affect", or
 - c. Recommend excluding parolee from GPS monitoring by selecting "Adversely Affects Parolee's Mental Health and/or Parolee's Mental Disorder which will result in serious injury or death."
3. This section is to be completed by the evaluating psychologist, and is utilized for documenting parolee alerts regardless of the recommendation in section 2.
4. This section is to be completed by the evaluating supervising senior psychologist, and is utilized for concurrence or modification of the recommendation.

Signatures: All forms must have the printed, legible name, signature and date of the referring parole agent in section 1, the evaluating psychologist in section 3, and the reviewing supervising senior psychologist in section 4.

ATTACHMENT G

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Global Positioning System Monitoring of Mentally Ill Parolee
Clinical Recommendation to Continue, Modify or Exclude from Traditional Monitoring
CDCR 128-PMH3 (REV. 12/09)

NAME _____ CDC # _____ PAROLE REGION _____ UNIT _____
(Last, First Initial)

1. REFER PAROLEE TO PAROLE OUTPATIENT CLINIC FOR EVALUATION TO DETERMINE AFFECT OF THE GLOBAL POSITIONING SYSTEM (GPS) MONITORING AND RECOMMENDATION TO CONTINUE, MODIFY OR EXCLUDE FROM TRADITIONAL GPS MONITORING (referring parole agent completes section 1):

Basis of Referral (describe concerns, observations, or related factors):

Referring Agent's Name (Print) _____ Fax # _____ Signature _____ Date of Referral _____

2. THIS PAROLEE HAS RECEIVED A MENTAL HEALTH EVALUATION WITH THE FOLLOWING RESULTS PERTAINING TO ADVERSE AFFECT TO MENTAL ILLNESS AS A RESULT OF GPS MONITORING (check box(s) below):

- a) ☐ No Adverse Affect.
- b) ☐ Minimal Adverse Affect. Recommend modification to GPS monitoring as follows:

- c) ☐ Adversely Affects Parolee's Mental Health and/or Parolee's Mental Disorder which will result in serious injury or death - Recommend excluding parolee from requirement to comply with GPS monitoring (specify basis for recommendation below):

ATTACHMENT G

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Global Positioning System Monitoring of Mentally Ill Parolee
Clinical Recommendation to Continue, Modify or Exclude from Traditional Monitoring
CDCR 128-PMH3 (REV. 1/09)

NAME _____ **CDC #** _____ **PAROLE REGION** _____ **UNIT** _____
(Last, First Initial)

3. ALERTS:

Mental Health Designation

- ☐ Enhanced Outpatient Program (EOP).
☐ Clinical Case Management System (CCCMS).
☐ General Population (GP).

Level of Functioning Assessment (GAF Score): _____

Psychotropic Medication Prescribed: Yes ☐ No ☐

Behavioral Alerts: _____

Clinical Psychologist's or Clinical Social Worker's Name and Classification (Print)

Signature

Date of Evaluation

4. Supervising Senior Psychologist Action:

- a) ☐ Concur with Recommendation.
b) ☐ Modify Recommendation (specify modification to evaluator's recommendation below):

Supervising Senior Psychologist's Name (Print)

Signature

Date of Review

DISTRIBUTION: Parole Agent of Record; Parole Field File, POC, Parolee
